

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE ENVIRONMENTAL SERVICES DIVISION

- 1. Title and its heading:** 3, Agriculture
Chapter and its heading: 3, Department of Agriculture - Environmental Services Division
Article and its heading: 1, General Provisions
Section numbers: Table 1, Time-frames (Calendar Days)
As a part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.
- 2. The subject matter of the proposed rule:**
This rulemaking will add the Native Plant licensing time-frames to the Environmental Services Division Table 1. The rules covering Native Plants were recodified from Chapter 4, Article 6 to Chapter 3, Article 11 effective February 6, 2004. It is not possible to recodify part of a licensing time-frame table.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 10 A.A.R. 946, March 12, 2004 (in this issue)
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Sherry D. Blatner, Rules Analyst
Address: Arizona Department of Agriculture
1688 West Adams, Room 235
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: sherry.blatner@agric.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday
Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday
Arizona Department of Agriculture
1688 W. Adams Street, Room 235
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Unknown

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE PLANT SERVICES DIVISION

- 1. Title and its heading:** 3, Agriculture
Chapter and its heading: 4, Department of Agriculture - Plant Services Division
Article and its heading: 1, General Provisions
Section numbers: Table 1, Time-frames (Calendar Days)
As a part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.
- 2. The subject matter of the proposed rule:**
This rulemaking will delete the Native Plant licensing time-frames from the Plant Services Division Table 1 in order to include them in the Environmental Services Division Table 1. The rules covering Native Plants were recodified

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from Chapter 4, Article 6 to Chapter 3, Article 11 effective February 6, 2004. It is not possible to recodify part of a licensing time-frame table.

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 10 A.A.R. 949, March 12, 2004 (in this issue)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Sherry D. Blatner, Rules Analyst
Address: Arizona Department of Agriculture
1688 West Adams, Room 235
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: sherry.blatner@agric.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday

Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday

Arizona Department of Agriculture
1688 W. Adams Street, Room 235
Phoenix, AZ 85007

6. A timetable for agency decisions or other action on the proceeding, if known:

Unknown

NOTICE OF RULEMAKING DOCKET OPENING

STATE BOARD OF DENTAL EXAMINERS

1. Title and its heading:

Chapter and its heading:

Articles and their headings:

4, Professions and Occupations
11, State Board of Dental Examiners
1, Definitions
3, Examinations, Licensing Qualifications, Application and
Renewal, Time-frames
4, Fees
5, Dentists
8, Denturists
9, Restricted Permits
11, Advertising
12, Continuing Dental Education
14, Dispensing Drugs and Devices For Profit and Not For Profit
15, Complaints, Investigations, Disciplinary Action,
Reinstatement of Revoked Licenses
18, Business Entities
As part of this rulemaking, the Board may add, delete, or modify
additional Articles as necessary.
Section numbers:
To be determined
As part of this rulemaking, the Board may add, delete, or modify
additional Sections as necessary.

2. Subject matter of the proposed rule:

The Board is proposing amendments to Article 1 Definitions, Article 3 Examinations, Licensing Qualifications, Application and Renewal, Time-frames, Article 4 Fees, Article 5 Dentists, Article 8 Denturists, Article 9 Restricted Permits, Article 11 Advertising, Article 12 Continuing Dental Education, Article 14 Dispensing Drugs and Devices for Profit and Not for Profit, and Article 15 Complaints, Investigations, Disciplinary Action, Reinstatement of Revoked Licenses, and a new Article 18 Business Entities. The proposed amendments to Articles 3, 4, 8, 9, and 12 involve new statutory requirements for denturists, dental consultants, restricted permits, and business entities made during the 2003 legislative session. A new Article 18 is necessary because of statutory changes made during the 2003 legislative session prescribing the registration requirements for business entities. The Board is proposing amendments to Articles 12 and 14 specifying the requirements for continuing education and dentists dispensing drugs based on changes identified in the Board's five-year rule review report approved by the Governor's Regulatory Review

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Council on September 9, 2003. The Board determined it is necessary to amend Articles 5, 11, and 15 involving dentist of record, advertising, and complaints to improve clarity, conciseness, and understandability of the rules.

The agency docket number, if applicable: R0401

3. A citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Julie Chapko, Executive Director
Address: Arizona State Board of Dental Examiners
5060 N. 19th Avenue, Suite 406
Phoenix, AZ 85015
Telephone: (602) 242-1492
Fax: (602) 242-1445

5. The time during which the agency will accept written comments:

The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m.

The time and place where oral comments may be made:

Time: Monday through Friday, 8:00 a.m. to 4:30 p.m.
Location: Arizona State Board of Dental Examiners
5060 N. 19th Avenue, Suite 406
Phoenix, AZ 85015
Nature: Oral comments

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

6. A timetable for agency decisions or other action in the proceeding:

None

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

1. Title and its heading:

4, Professions and Occupations

Chapter and its heading:

23, Board of Pharmacy

Article and its headings:

6, Permits and Distribution of Drugs

As part of this rulemaking, the Board may add, delete, or modify additional Articles as necessary.

Section numbers:

R4-23-610, R4-23-672, R4-23-673

As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.

2. Subject matter of the proposed rule:

The Board staff has identified some minor changes for Sections R4-23-610, R4-23-672, and R4-23-673 to improve the clarity, conciseness, and understandability of the rules. The rules are being amended to make correct citations to other rules that have been recently amended. The proposed rules will replace the term "certified pharmacy technician" with the term "pharmacy technician trainee." The rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The agency docket number, if applicable: R0402

3. A citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Dean Wright, Compliance Officer
Address: Arizona Board of Pharmacy
4425 W. Olive Ave., Suite 140
Glendale, AZ 85302
Telephone: (623) 463-2727, ext. 131
Fax: (623) 934-0583
E-mail: rxcop@cox.net

5. The time during which the agency will accept written comments:

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The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m.

The time and place where oral comments may be made:

Time: Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Arizona Board of Pharmacy
4425 W. Olive Ave., Suite 140
Glendale, AZ 85302

Nature: Oral comments

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

6. A timetable for agency decisions or other action in the proceeding:

None

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF APPRAISAL

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 46, Board of Appraisal
Article and its heading: 4, Standards of Practice
Section number: R4-46-401

2. The subject matter of the proposed rule:

The Board is amending the current R4-46-401 to conform by reference to the most recent edition of the *Uniform Standards of Appraisal Practice* (USPAP), 2004 Edition, published by The Appraisal Foundation, which became effective nationally on January 1, 2004.

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 10 A.A.R. 952, March 12, 2004 (in this issue)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Deborah Pearson, Executive Director
Address: 1400 W. Washington, Suite 360
Phoenix, AZ 85007
Telephone: (602) 542-1539
Fax: (602) 542-1598
E-mail: deborah.pearson@appraisal.state.az.us

5. The time during which the agency will accept written comments and the time and place where the oral comments may be made:

Written and oral comments will be accepted between 8:00 a.m. and 5:00 p.m. Monday through Friday (excluding holidays) at the address listed in item #4 until the record is closed. In addition, the Board will meet April 15, 2004, at 9:00 a.m., at 1400 West Washington, Basement Conference Room B-2, Phoenix, Arizona, and will accept oral and written comments. The record will be closed at the conclusion of the comment period at the meeting.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

STATE BOARD FOR CHARTER SCHOOLS

- 1. Title and heading:** 7, Education
Chapter and its heading: 5, State Board for Charter Schools
Articles and their headings: 1, General Provisions
3, Charter Oversight
Section numbers: Unknown at this time

2. Subject matter of the proposed rule:

The Arizona State Board for Charter Schools is proposing rules to exercise general supervision over charter schools sponsored by the Board in accordance with statute.

3. A citation to all published notices relating to the proceeding:

None

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4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Kristen Jordison, Executive Director
Address: Arizona State Board for Charter Schools
1700 W. Washington, Room 164
Phoenix, AZ 85007
Telephone: (602) 364-3080
Fax: (602) 364-3089
E-mail: Jordison_Kristen@pop.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

To be announced with the Notice of Proposed Rulemaking

6. A timetable for agency decision or other action in the proceeding:

To be announced with the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

RADIATION REGULATORY AGENCY

1. Title and its heading:

Chapter and its heading:

Articles and their headings:

12, Natural Resources
1, Radiation Regulatory Agency
5, Sealed Source Industrial Radiography
11, Industrial Uses of X-ray, Not Including Analytical Systems
13, License and Registration Fees
14, Rules for the Control of Nonionizing Radiation
R12-1-541, R12-1-542, R12-1-1102, R12-1-1140, R12-1-1142,
R12-1-1302, R12-1-1402, R12-1-1421, R12-1-1438,
R12-1-1439, Appendix C, Appendix D

Section numbers:

2. Subject matter of the proposed rules:

The Agency is moving the remaining x-ray rules affecting industrial users of x-rays from Article 5 to Article 11. This process was initiated in RMP-0056 which was recently became effective earlier this year. This separation of radioactive material rules from x-ray rules was initiated to help the two radiation user groups understand what is required conduct their programs in a safe manner. The licensee and registrant category list in Article 13 is amended to reflect the change of location of the affected user categories in Article 14. Article 14 is amended to accommodate the new standards for Intense Pulse Light (IPL) devices, new training standards for IPL and medical laser operators, and supervision requirements for IPL and medical laser operation.

Agency docket number: RMP-0052(IPL)

3. A citation to all published notices relating to the proceedings:

- Notices of Rulemaking Docket Opening were made in the December 29, 2000 and September 14, 2001 *Register*.
- Notice of Proposed Rulemaking was made in the December 21, 2001, *Register*.
- Notice that requests for public oral proceeding and written comments would be accepted by the Agency was made in the December 21, 2001, *Register*.
- The Agency did request additional public participation in this rulemaking. A Notice of Public Information was made in the June 28, 2002, *Register*. This notice extended the period of time the Agency would accept public comment to September 27, 2002.
- Notice of Proposed Rulemaking: 10 A.A.R. 954, March 12, 2004 (in this issue)

4. Name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Aubrey Godwin
Address: Arizona Radiation Regulatory Agency
4814 South 40th Street
Phoenix, AZ 85040

5. The time during which written comment can be made:

Written comments will be accepted 8:00 a.m. to 5:00 p.m., Monday through Friday.

The time and place where oral comment can be made:

Oral comments will be accepted 8:00 a.m. to 4:30 p.m., Monday through Friday, at the Arizona Radiation Regulatory Agency, 4814 South 40th Street, Phoenix, Arizona 85040.

6. A timetable for agency decision or other action in the proceeding: A timetable is not available at this time.

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NOTICE OF RULEMAKING DOCKET OPENING

GAME AND FISH COMMISSION

1. **Title and its heading:** 12, Natural Resources
Chapter and its heading: 4, Game and Fish Commission
Article and its heading: 9, Wildlife Conservation Fund Grants
Section numbers: R12-4-901
As part of this rulemaking, the Department may add, delete, or amend other Sections yet to be determined.
2. **The subject matter of the proposed rule:**
The Department is adopting a new Article 9 to address issues related to Wildlife Conservation Fund Grants distributed from revenues received under Proposition 202, voted into law in 2002.
The agency docket number: C
3. **A citation to all published notices relating to the proceeding:**
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mark Naugle, Rules and Risk Manager
Address: Arizona Game and Fish Department
2221 W. Greenway Road DORR
Phoenix, AZ 85023
Telephone: (602) 789-3289
Fax number: (602) 789-3677
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments will be accepted Monday through Friday from 8:00 a.m. until 5:00 p.m. The schedule for oral proceedings is to be determined and will be published when scheduled.
6. **The timetable for agency decisions or other action on the proceeding:**
To be determined

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DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS

1. **Title and its heading:** 17, Transportation
Chapter and its heading: 5, Department of Transportation – Commercial Programs
Article and its heading: 2, Motor Carriers
Section numbers: R17-5-202
2. **Subject matter of the proposed rule:**
The agency is updating its Motor Carrier Safety and Hazmat sections by incorporating the applicable federal regulations from the 49 CFR, 2003 edition.
3. **A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 10 A.A.R. 974, March 12, 2004 (in this issue)
4. **The name and address of agency personnel to whom persons may communicate regarding the rule:**
Name: Brent P. Heiss, Department Rules Analyst
Address: Arizona Department of Transportation
Administrative Rules Unit
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014
Telephone: (602) 712-7941
Fax: (602) 241-1624
E-mail: bheiss@dot.state.az.us
Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.dot.state.az.us/about/rules/index.htm.

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5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Oral and written comment may be directed to the officer listed in item #4, Monday through Friday, 8:00 a.m. through 4:30 p.m.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined